

~~Feb~~ Feb 73

1. How case (indictment) (MHH)

in Nixon practices

as models of Exec behavior  
as revealed in PP, VN, CW

2. If war was to continue, something had  
to go — First Amendment, Cong. checks on Exec.  
Now, if N. policy is to evade exposure,  
censure (for lies + murder), history  
must remain silent (esp 1969-73)



## ISSUES

- Foreigns analysts did not get vols in 69, or 70. AR did; not Fulbright did.
- see p. 6, VC 9(2) Think on US role  
[I now saw this was known to USG in late '63!]  
I now saw quality of our decision-making w/out Dim — (need to free th from it)  
I now understood HCC's ties to Ky — policy of responsibility, 1966

Cross-border ops into Laos from Jan 1964  
(election campaign!)

p. 55

Khmer/Ky lobby for King North, 1964.  
Use of boats; denial by USG — I was aware of this concealment by USG (e.g. of NVN see soldiers)

Peace Officer of Jan-Nov 64 → RT  
Succes Officer of Nov 67 → Jett



## Case

b.54 I was aware of 1

- leads → transfer  
or no prosecution  
(England; ...)

Vile, Sec, Sellers...

- Statute, no basis for pros.  
(although I said...)

- No O.S.A. (Clino, Helms)

- Acts I'm accused of : → routine  
(Huddleston...)

(I thought — "They will find a law...")

Limits to my faith in "gov of laws"]



My Strategy of Case:

To make most powerful Estate <sup>+ Media</sup>  
case possible against Estate & War:  
Secrecy System  
Illegality of War  
Unconstitutionality of war & Ex. practices  
Deception of Cong, Public  
Complicity of Media, Congress, Courts  
Political Repression (vs. First Amend.)

If a strong case — i.e. strong Estate witnesses —  
cannot be ~~made~~ presented, then consider  
alternative approaches (along with "technical"  
charges of getting off, & conflict).

(Option of co-counsel, radical counsel,  
can be postponed till last minute)  
Ask <sup>for</sup> Balaban, as my judgment...



p. 57: I am an expert on practices  
under class. system.

I know that what I am charged  
with is not a violation of those practices,  
and I would never have been expected to  
be prosecuted under for those acts!

(Same!)

[FBI Reports on: 206,000 book, etc.  
England

or for "Escalating - a Program"

[note distribution]

(Zell's Way!)

p. 59: But McN closed testimony to Forrellon  
(to show deception)

(or: testimony of Fullbright; or Moore, Young)

But Halperin on Quinn. (Hunt Chin. rel.?)



Get C+C Story!

[How do I get to tell this story?

Wh? Congress? Interview?

What if Congress leaks?

63: Best Alain, or talk with McN

If McN won't talk, threaten subpoena?

- Show this motion to all knowledgeable people...'



little:

Is this the war crimes trial of the century, or the free speech? trial of the century?

What we did was OK because war was immoral...



Cor - anti-secrecy  
anti-lies

pro-Const (anti-Expe)



anti-aggression war (1965)

(pro-UN-charter?)



anti-political-repression  
(1st Amendment)





- My investigation of Geneva - for MCN, JTM  
based on Bator book

- Suppression of Korean War Crimes  
from Keiter RM

- Parker on torture of prisoners

} Tony



## Case

- Was Hilpatric speech "communicating secrets to the enemy?"

(Approved by Pres — but is he not subject? Why not?)

Obviously, no intent to harm...

- Note whole "com with enemy" project!

- O-2: secret from SU public  
US public  
allies

not from K!

- Skybolt — secret from USAF, US Congress  
not from UK! (which was followed  
because RAF was feared of USAF, feared  
by McN!) )

- Cuba II: <sup>missiles</sup> SU secret from US public,  
not from Pres; O-2 info sent from  
US public.

- Laos bombing... from US public.



Am Arbor speech:

reveal TS speech, <sup>SAC</sup> plan  
to public, NATO allies, SU  
(encourage them to do likewise)  
(against y action)

See S. Alsop article  
Frydland

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SIOP. — secrets from Pres  
(DE as witness)

[Schelling: Com with Emory.  
File?]

[Get DE DS from RAND — to show  
effects of secrecy system:  
See for Rel to subpoena!?

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Cibola — secrets from Pres about nuclear.



Wheeler memo:

- TS Control memo: (or secret)
- list of those who saw it

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Holman told Australian about  
4 minutes, Discover.

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Ullissi — on my talks on  
"Dying in State."

(Intent — to inform state of processes.  
(Who was guy who was resigning?))

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Study: Aviation Week  
(testimony?)

Alsoop column

Hanson Baldwin

Security briefings — do not include  
prosecution



My job was violating regs

- to get info to JCS, SecDef, RAND, Press, Mc6B
- system can't run without violating
- of civil liberties that these people know - which required violating.
- they knew - and condoned (Def Sec Def)
- effects of Secrecy on Plans...



Have I stolen?

If I had, I would be glad return it.

~~The above~~ Can you "steal" info from public records and give it to the public?

~~The above~~

The gov hasn't lost anything — the studies  
in question <sup>will be</sup> sitting on the prosecution's  
table — they're never left custody — they're  
being submitted as evidence.

Do we plan "to try" Gov?

~~Where's~~ The gov has indicted itself  
in the PP; and put itself on trial by bringing  
this trial. Mr. Nison & Mitchell has put  
the Exe Branch on trial.

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p. 8 Do not fail to prosecute any  
and officers for leaks, except by the  
and Services to the release of such info,  
i.e. a judge that material is not  
"relevant to national defense"?

[Note: in June 1954 I was investigated  
for alleged leak of info that had appeared  
in corp newspaper — & was told newspaper  
edit was not punished (he might have  
been reprimanded). Obviously, my "intent"  
was taken into account; I was not  
reprimanded, & was subsequently cleared for  
TS.

Case: telling Britton why I was rejected  
Society of Fellows, in order to extend in the  
USMC — ]

(Call Britton?)

Call Maj. Gen.?



p. 10 says that "The trial of the employee

[Citizen? I am not big trial on status of  
employee, with of US Gov or SAWS]

would be ~~permitted~~ converted into a trial of  
the superior, "which is preserving what  
defendant's desire to occupying is this case."

["superior"? My superior?!

What count on it is?

Are official above the law? How  
are Pres' be brought to accounting? Who are  
the "superior" but the public?



## Nixon Sees Plan

(NVA goes down)

(Since a good "deal" was not available in early 1969, under ~~that~~ of Plan to SU + Hanoi) — to make a Deal (best available) only after winning of Hanoi + handing of NVN. (& invasion of Cambodia + Laos). i.e. any escalation for which there was military / right-wing pressure.

(not: dikes, or rivers, or invasion of NVN)  
[Same hopes as with RT in '65.]

- (a) It just work.
- (b) If it didn't, mil + Right couldn't explain.
- (c) Side- and l-r effects of "demonstrating toughness" (could be claimed, as offsetting a bad deal in VN; esp. if good deals were likely to come about with SU + China agreeing, and could be claimed as result of toughness). (as WPB/JTH/McG hoped in '65)
- (d) Whatever deal results can be claimed to be good, or better than otherwise available, a "success," not a "defeat," forced by U.S.



Lying

Epc

Recall: I applied for D-number for D on "lying..." and was asked to delete that D or change title etc.

Even though I knew about lying from 1964-65, <sup>and 1965-67</sup> and regarded it as understated problem as of 1964 study, I saw it as a problem to be handled within the Epc branch — like all problems of foreign policy.

See RAND seminar on Learning

Seminars in State on Lying

RAND seminar on Crises; Skybolt

D on Lying

Thus, I didn't see the Security Agreement as a contract to conceal truth from the proper authorities. It wasn't till I saw the President/Epc as the problem, as the liar who could not expose or repudiate his past lies (as ~~was intended~~), that I understood why Const. named Congress as our "proper authorities"; and ultimately, public.